

**UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

NYSSA K. CALDERON,)	
)	
Petitioner,)	
)	
v.)	Case No.: 7:17-cv-1182-MHH-SGC
)	
PATRICIA V. BRADLEY, Warden,)	
)	
Respondent.)	

MEMORANDUM OPINION

On August 19, 2019, the magistrate judge entered a report in which she recommended that the Court deny Ms. Calderon’s § 2241 petition because Ms. Calderon did not exhaust her administrative remedies and because Ms. Calderon has not stated a colorable constitutional claim for a due process or equal protection violation. (Doc. 10). The magistrate judge advised Ms. Calderon of her right to file specific written objections within 14 days. (Doc. 10). The Court has not received objections, probably because the U.S. Postal Service returned Ms. Calderon’s copy of the report and recommendation which the Clerk of Court mailed to her address of record, as undeliverable. (Doc. 11).¹

¹ Ms. Calderon was a federal prisoner confined at the Federal Correctional Institution in Aliceville, Alabama when she filed this action. (Doc. 1, p. 1). According to records available on the website for the Federal Bureau of Prisons, BOP released Ms. Calderon from incarceration on September 20, 2018. She has not provided an updated address to the court.

A district court “may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report *de novo* and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n. 9 (11th Cir. 1993); *see also LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

The Court adopts the magistrate judge’s analysis with respect to Ms. Calderon’s failure to exhaust and state a colorable constitutional claim. Therefore, the Court denies Ms. Calderon’s § 2241 habeas petition.

A separate order will be entered.

DONE this 24th day of October, 2019.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE